

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**FIRST APPEAL No. 5180 of 2001****For Approval and Signature:****HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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NARANBHAI DHULABHAI CHAMAR - Appellant(s)**Versus****SC TALIKATI & 1 - Defendant(s)**

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Appearance :

MR BHARAT JANI for Appellant(s) : 1,
RULE UNSERVED for Defendant(s) : 1,
MR AJAY R MEHTA for Defendant(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**Date : 07/03/2007****ORAL JUDGMENT :**

The original claimant of Motor Accident Claims Petition No. 424
of 1989 filed before the Motor Accident Claims Tribunal at Ahmedabad, has

preferred this appeal on a limited question. His grievance is that though the Tribunal vide its award dated 23/11/2000 has granted compensation for loss of prospective income, it has directed that no interest will be claimed on the same. The Tribunal has awarded interest @ 10% on the rest of the amount i.e., Rs.19,000/-

2. I have heard Mr. BG Jani, learned advocate for the appellant and Mr. RH Mehta, learned advocate for the Insurance Company. The insured is not served and the original driver is already deleted. However, considering the fact that the liability to indemnify the insured is already fastened on the Insurance Company and the controversy is very limited with regard to payment of interest on the amount of compensation for future loss of income, the presence of insured is not needed in these proceedings. Of-course it is made clear that this cannot be applicable in other cases and the aforesaid observation is made strictly in view of the peculiar facts of this case.

3. It appears that the Tribunal has committed error in not awarding interest on the compensation for future loss of income. The said amount forms part and parcel of the entire award and interest ought to have been awarded on the same. However, considering the fact that with the passage of time, the rate of interest has decreased, in the instant case, instead of interest @ 10%, appellant will be entitled to recover interest @ 8% p a on the amount of compensation awarded under the head of future loss of income i.e., Rs.56,000/-

from the date of claim petition till the date of deposit, since the award amount has been deposited long back.

In view of the above, this appeal is partly allowed with no order as to costs.

R & P to be re-transmitted to the concerned Tribunal forthwith.

[Akshay H Mehta, J.]

* Pansala.